

Senate File 455 - Introduced

SENATE FILE 455
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SF 34)

A BILL FOR

1 An Act relating to the regulation of topsoil and storm water at
2 construction sites.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 331.301, Code 2023, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 22. *a.* For purposes of this subsection:

4 (1) "*Construction site*" means a site or common plan of
5 residential or commercial development or sale, including the
6 development of a single-unit or multiple-unit residential
7 building.

8 (2) "*Topsoil*" means the same as defined in section 208.2 and
9 includes amendments to topsoil.

10 *b.* A county shall not adopt or enforce an ordinance,
11 motion, resolution, or amendment relating to the preservation,
12 compaction, placement, or depth of topsoil at a construction
13 site.

14 *c.* (1) A county may adopt or enforce an ordinance, motion,
15 resolution, or amendment that regulates storm water runoff at a
16 construction site only to the extent that such regulation does
17 not require a post-construction storm water flow rate that is
18 more restrictive than the existing flow rate of the same storm
19 event, with all such runoff rates based on the actual existing
20 condition of the site at the time the construction commences.

21 (2) A county may adopt or enforce an ordinance, motion,
22 resolution, or amendment that regulates storm water runoff
23 from upstream properties adjacent to a construction site to
24 the extent that storm water runoff shall be allowed to pass
25 through downstream storm water basins at the same flow rates as
26 off-site storm water runoff entering the construction site.

27 Sec. 2. Section 364.3, Code 2023, is amended by adding the
28 following new subsection:

29 NEW SUBSECTION. 18. *a.* For purposes of this subsection:

30 (1) "*Construction site*" means a site or common plan of
31 residential or commercial development or sale, including the
32 development of a single-unit or multiple-unit residential
33 building.

34 (2) "*Topsoil*" means the same as defined in section 208.2 and
35 includes amendments to topsoil.

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1 adjacent to a construction site only to the extent that storm
2 water runoff shall be allowed to pass through downstream storm
3 water basins at the same flow rate as off-site storm water
4 runoff entering the construction site.